

Nelson, James

From: A SINCLAIR <asinclairhg@gmail.com>
Sent: Wednesday, December 13, 2023 1:30 PM
To: Nelson, James
Subject: Re: [EXTERNAL] letter to Plaintiff..

Mr Nelson.

Disagree. I have the right to protect my trade secret and cannot be forced to reveal it. You cannot disclose who will see the information and you cannot guarantee anything. My ingredients and Manufacturing process doesn't not have anything to do with the companies. The FDA can ban my product if they want but i am not revealing my trade secret.

Andrew Sinclair.

On Wed, Dec 13, 2023, 1:23 PM Nelson, James <James.Nelson2@usdoj.gov> wrote:

Mr. Sinclair,

The option you proposed is inadequate, and we will not agree to it. As the Court told you during the November 28, 2023 status conference, you must produce responsive ingredient information, even if you believe that it is a trade secret.

Will you agree to the protective order that we proposed to safeguard this information? Following the Court's instructions at the status conference that we propose a protective order to protect trade secret information, the United States intends to submit the proposed protective order to the Court. When we do, we need to inform the Court whether you agree to it.

Regards,

Jim Nelson

Senior Trial Attorney

U.S. Department of Justice

Consumer Protection Branch

From: A SINCLAIR <asinclairhg@gmail.com>
Sent: Friday, December 01, 2023 10:18 AM
To: Nelson, James <James.Nelson2@usdoj.gov>
Subject: Re: [EXTERNAL] letter to Plaintiff..

Mr Nelson,

Proposed option. Since the reason as you stated is to prove that my product is 100% plants and 100% natural.

The option to only show the judge the ingredients seems more confidential where I will identify the product as it is on the bottle to the Judge for confirmation that the product is 100% natural plants

The ingredients family is listed on the bottle I can confirm the ingredients list on the bottle.

Showing the judge only is a legal case option when it comes to trade secrets.

Please note I haven't made \$1 profit from my idea to date so I will do everything and anything to protect my idea.

Please advise.

Thank you.

Respectfully.

Andrew Sinclair

On Thu, Nov 30, 2023, 5:21 PM Nelson, James <James.Nelson2@usdoj.gov> wrote:

Mr. Sinclair:

During our status conference on Tuesday, Judge Levy told you that you had to produce responsive ingredient information, even if it constituted trade secret information. You have asked why we are seeking the ingredients in your product. We are seeking them because you have defended your actions here by claiming that your product contains “natural” ingredients with certain health benefits or effects. Evaluating those assertions could require knowing what is in your product. Put another way, you cannot make claims about your product’s ingredients and then refuse to disclose what is actually in your product.

Judge Levy also ordered the parties to propose a protective order to protect any potentially trade secret information. We recognize that you believe that the ingredients in your product are a trade secret. And we recognize that you would like to protect that information. In response, we sent you the proposed protective order shortly after the status conference on Tuesday. This protective order will give you the tools to apply specific protections to information (such as your ingredient list). The protective order spells out how the parties must handle confidential information and who is entitled to review it. Your information will have more than adequate protection. The government routinely obtains trade secret information from companies and persons and protects that information from public disclosure using protective orders virtually identical to the one we sent you. There is nothing unique about this case that even hints that the government (or the court) should treat your information any differently from how similar information is treated in other contexts. Please let us know whether you will agree to the protective order we proposed so that we can sign it and ask the court to enter it.

Regards,

Jim Nelson

Senior Trial Attorney

U.S. Department of Justice

Consumer Protection Branch

From: A SINCLAIR <asinclairhg@gmail.com>

Sent: Tuesday, November 28, 2023 5:59 PM

To: Nelson, James <James.Nelson2@usdoj.gov>; Dietert, Zachary A. <Zachary.A.Dietert@usdoj.gov>; Blume, Michael (USANYE) <MBlume@usa.doj.gov>

Subject: [EXTERNAL] letter to Plaintiff..

Mr Nelson

Attached is a letter specifically about the request for my Trade Secret...

Thank you...